

20.08.2018

gLAWcal
Comment #312

**ADAPTIVE REGULATIONS IN FOOD
SECURITY**

Based on

Denise Prévost "Health Protection Measures as Barriers to EU Exports to China in the Framework of the WTO Agreement on Sanitary and Phytosanitary Measures"



A gLAWcal comment on Denise Prévost "Health Protection Measures as Barriers to EU Exports to China in the Framework of the WTO Agreement on Sanitary and Phytosanitary Measures" in Paolo Davide Farah and Elena Cima (Eds.) **China's Influence on Non-Trade Concerns in International Economic Law**

A unique aspect of food regulation is that domestic regulations may specifically affect a foreign corporation or entity if the regulated food product is one that they sell. Referred to as ex ante effects, these regulations are put into force, without the participation or consideration of the foreign corporation who will have real harm done to their participation in the markets. These SPS measures are often considered as burdensome, since they are often expensive and time consuming to ensure that they are abided by. It may be necessary to put greater consideration on the efficacy of the SPS measure, beyond whether it will just simply produce a "safer" food product for the market. The goal of the measures should be lauded, the balance of the confidence on the global food market is often precariously set upon ensur-

ing that there are no scares in consumer confidence. Additionally, with the volume of trading in the food market, there has to be a renewed version of transparency introduced. When a system must both be transparent, and the requirements for being on top of the regulations is excessively burdensome, it may be easier to just be less than transparent. This ultimately, is a worse outcome for the confidence of the global food supply, and would necessitate that a balance be placed on the actual cost of abiding by the regulation, with the relative cost of safety provided by adhering to these regulations.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



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